

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

JANE DOE #1 and JANE DOE #2 on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

MG FREESITES, LTD, d/b/a
“PORNHUB”; MG FREESITES II,
LTD; MINDGEEK S.A.R.L.;
MINDGEEK USA INCORPORATED;
MG CY HOLDINGS LTD;
MINDGEEK CONTENT RT LIMITED;
9219-1568 QUEBEC, INC., d/b/a
MINDGEEK); MG BILLING LTD

Defendants.

CIVIL ACTION NO. 7:21-CV-00220

Honorable L. Scott Coogler

**DECLARATION OF MICHELLE HART YEARY IN OPPOSITION TO
PLAINTIFF’S MOTION FOR CLASS CERTIFICATION**

BENJAMIN M. SADUN (287533)
benjamin.sadun@dechert.com
DECHERT LLP
US Bank Tower, 633 West 5th Street,
Suite 4900
Los Angeles, CA 90071-2013
Phone: (213) 808-5721;
Fax: (213) 808-5760

KATHLEEN N. MASSEY(*admitted pro hac vice*)
kathleen.massey@dechert.com
MARK S. CHEFFO (*pro hac vice forthcoming*)
mark.cheffo@dechert.com
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Phone: (212) 698-3500;
Fax: (212) 698 3599

Attorneys for Defendants

I, Michelle Hart Yeary, do hereby declare and state as follows:

I am Counsel with the law firm Dechert LLP, attorneys of record for Defendants in the above-captioned action. I have personal knowledge of the matters set forth in this declaration, and if called upon as a witness, I could and would testify competently thereto:

I make this declaration in opposition to Plaintiff's Motion for Class Certification.

1. A true and correct copy of Pornhub's 2016 Terms of Service Bates-labeled MindGeek_NDAL_00000581 is attached as Exhibit 1.

2. A true and correct copy of Pornhub's 2021 Terms of Service Bates-labeled MindGeek_NDAL_00000536 is attached as Exhibit 2.

3. A true and correct copy of the 2020 Transparency Report is attached as Exhibit 3.

4. Excerpts from the July 14, 2023, deposition of MindGeek employee are attached as Exhibit 4.

5. A true and correct copy of Matching Tools Workflow Bates-labeled MindGeek_NDAL_00178853 is attached as Exhibit 5.

6. Excerpts from the August 30, 2023, deposition of MindGeek employee are attached as Exhibit 6.

7. Excerpts from the July 12, 2023, deposition of MindGeek employee are attached as Exhibit 7.

8. A true and correct copy of MindGeek's Co-Performer Verification Process Bates-labeled MindGeek_NDAL_00185540 is attached as Exhibit 8.

9. A true and correct copy of a MindGeek email chain dated December 16, 2020, Bates-labeled MindGeek_NDAL_00109994 is attached as Exhibit 9.

10. A true and correct copy of a MindGeek email chain dated August 9, 2021, Bates-labeled MindGeek_NDAL_00483168 is attached as Exhibit 10.

11. A true and correct copy of a MindGeek email chain dated July 16, 2021, Bates-labeled MindGeek_NDAL_00184546 is attached as Exhibit 11.

12. A true and correct copy of Pornhub's Moderation Team Procedures & Training Bates-labeled MindGeek_NDAL_00434163 is attached as Exhibit 12.

13. A true and correct copy of a MindGeek email chain dated May 30, 2020, Bates-labeled MindGeek_NDAL_00384374 is attached as Exhibit 13.

14. A true and correct copy of a MindGeek email chain dated April 1, 2011, Bates-labeled MindGeek_NDAL_00275620 is attached as Exhibit 14.

15. A true and correct copy of a MindGeek email chain dated May 19, 2015, Bates-labeled MindGeek_NDAL_00041879 is attached as Exhibit 15.

16. A true and correct copy of MindGeek updates Bates-labeled MindGeek_NDAL_00420988 is attached as Exhibit 16.

17. A true and correct summary of MindGeek's partnerships and government contracts dated June 2, 2020, Bates-labeled MindGeek_NDAL_00423827 is attached as Exhibit 17.

18. A true and correct copy of summary of MindGeek's partnerships and government contracts dated April 30, 2021, Bates-labeled MindGeek_NDAL_00521230 is attached as Exhibit 18.

19. A true and correct copy of summary of MindGeek's partnerships and government contracts dated August 14, 2020, Bates-labeled MindGeek_NDAL_00521608 is attached as Exhibit 19.

20. Excerpts from the August 8, 2023, deposition of MindGeek employee are attached as Exhibit 20.

21. A true and correct copy of MindGeek's CSAM Reporting Workflow Bates-labeled MindGeek_NDAL_00180902 is attached as Exhibit 21.

22. A true and correct copy of the NCMEC tipline webpage is attached as Exhibit 22.

23. A true and correct copy of Plaintiff's medical records Bates-labeled JaneDoe1_00000107 is attached as Exhibit 23.

24. A true and correct copy of Plaintiff's medical records Bates-labeled JaneDoe1_00000045 is attached as Exhibit 24.

25. Excerpts from the September 29, 2023, deposition of Plaintiff are attached as Exhibit 25.

26. A true and correct copy of Plaintiff's chat messages Bates-labeled JaneDoe1_00000009 is attached as Exhibit 26.

27. A true and correct copy of a MindGeek email chain dated July 15, 2020, Bates-labeled MindGeek_NDAL_00104645 is attached as Exhibit 27.

28. A true and correct copy of Plaintiff's statement Bates-labeled JaneDoe1_00000453 is attached as Exhibit 28.

29. A true and correct copy of Pornhub comments Bates-labeled MindGeek_NDAL_00575110 is attached as Exhibit 29.

30. A true and correct copy of video titles and information Bates-labeled MindGeek_NDAL_00479021 is attached as Exhibit 30.

31. A true and correct copy of comment information Bates-labeled MindGeek_NDAL_00575109 is attached as Exhibit 31.

32. A true and correct copy of Plaintiff's medical records Bates-labeled JaneDoe1_00000042 is attached as Exhibit 32.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of October 2023, at Cherry Hill, New Jersey

DATED: October 10, 2023

Respectfully submitted,

/s/ Michelle Hart Yeary
Michelle Hart Yeary